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S/N 10/720,410

DEC 20 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	RAINEY	Examiner:	F. LAGMAN
Serial No.:	10/720,410	Group Art Unit:	3673
Filed:	NOVEMBER 24, 2003	Docket No.:	3616.238USC3
Title:	RETAINING WALL ANCHORING SYSTEM		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted by facsimile (fax no. 703-872-9306) to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 20, 2004.

By: Ronnie A. Waller
Name: Ronnie A. Waller

TERMINAL DISCLAIMER TO OBLIGATE
AN OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Anchor Wall Systems, Inc., a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 5959 Baker Road, Suite 390, Minnetonka, Minnesota 55345, in the county of Hennepin, and the state of Minnesota, represents that it is the exclusive owner of the entire right, title and interest in the above-identified application and U.S. Patent 6,652,196, by virtue of an assignment record at Reel 10682, Frame 182 on March 6, 2000 in application serial no. 09/261,420, which assignment is also recorded at Reel 11259, Frame 522 on October 27, 2000 in application serial no. 09/698,934.

Petitioner, Anchor Wall Systems, Inc., hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified U.S. Patent Application No. 10/720,410 which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,652,196. Petitioner hereby

agrees that any patent so granted on the above-identified U.S. Patent Application No. 10/720,410 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,652,196, this agreement to run with any patent granted on the above-identified U.S. Patent Application No. 10/720,410 and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified U.S. Patent Application No. 10/720,410 prior to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U. S. Patent No. 6,652,196, in the event that U. S. Patent No. 6,652,196: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned (Applicant's representative) is empowered to act on behalf of Anchor Wall Systems, Inc.

Applicant disagrees with the Examiner's conclusions of obviousness, but is nonetheless filing this terminal disclaimer in order to expedite allowance of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612/332-5300

Date: December 20, 2004


James A. Larson
Reg. No. 40,443



THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, 20_____, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to _____ months.

Petitions Examiner

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By: *Karen A. Wall*
Name: *Karen A. Wall*

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Petitioner, Anchor Wall Systems, Inc., hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified U.S. Patent Application No. 10/720,410 which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,168,351. Petitioner hereby agrees that any patent so granted on the above-identified U.S. Patent Application No. 10/720,410

shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,168,351, this agreement to run with any patent granted on the above-identified U.S. Patent Application No. 10/720,410 and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified U.S. Patent Application No. 10/720,410 prior to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer, of U. S. Patent No. 6,168,351, in the event that U. S. Patent No. 6,168,351: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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